

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

PARKERSBURG DIVISION

JEROME M. BLANEY,

Petitioner,

v.

CIVIL ACTION NO. 6:13-cv-08538

DAVID BALLARD,

Respondent.

ORDER

This petition for habeas corpus relief under 28 U.S.C. § 2254 was filed on April 22, 2013. The petition was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this court of proposed findings of fact and a recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The respondent then filed a motion for summary judgment [Docket 8]. The Magistrate Judge has submitted findings of fact and has recommended that the court deny the habeas petition [Docket 23]. Objections to the Magistrate Judge's Proposed Findings and Recommendation ("PF&R") were due on or before February 24, 2014.

Approximately five days before this deadline, the petitioner filed a motion requesting an extension of time to object to the Magistrate Judge's PF&R [Docket 24]. Before this court ruled on the motion, the petitioner filed his objections over three weeks late. Although his objections are untimely, I will consider the objections. Therefore, the petitioner's motion for an extension of time [Docket 24] is **DENIED as moot**.

In his objections, the petitioner reiterates arguments that the Magistrate Judge rejected in her thorough and well-reasoned PF&R. Because the Magistrate Judge has already considered these arguments and I agree with the rationale set forth in her PF&R, I need not readdress them here. Moreover, after a thorough *de novo* review of the PF&R and the record in this case, I **FIND** that the petitioner's objections lack merit. Accordingly, the court **ADOPTS** and incorporates herein the Magistrate Judge's Proposed Findings and Recommendation, **GRANTS**, the respondent's Motion for Summary Judgment [Docket 8], and **ORDERS** that the petition for writ of habeas corpus [Docket 2] be dismissed and stricken from the docket of this court.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 27, 2014



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE